

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Mikko LONNFORS <i>et al.</i>	Confirmation No.:	9543
Application No.:	10/804,600	Examiner:	Blair, Douglas B
Filed:	March 18, 2004	Group Art Unit:	2442

For: **SYSTEM, APPARATUS AND METHOD FOR PROVIDING PARTIAL PRESENCE NOTIFICATIONS**

Commissioner for Patents
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants respectfully request a pre-appeal brief review be made of the present application for at least the following clear errors.

I. SUMMARY

The claimed inventions provide support for a computer-readable storage medium, an apparatus, and system for communicating partial notifications relating to a presentity's presence information. One or more presence servers and terminals are connected through various communication networks, capable of transmitting or receiving presence information and presence documents. Partial presence information is created for the purpose of, for instance, updating presence information that has changed.

II. REJECTION

1. Claims 1, 3-8, 10-16 and 19-32 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious based on *Yoakum et al.* (US 6,658,095), in view of *Davies et al.* (US 7,359,938) and *Birkler et al.* (US Pub. 2002/0129103).

III. ARGUMENT**1. Claims 1, 3-17, and 19-32 are not rendered obvious based on *Yoakum et al.*,**

Davies et al., and *Birkler et al.*

As an initial matter, the Applicants note that the Examiner does not fully take into account the claim amendments presented in the Applicants' previous response filed on March 2, 2010. In the previous Response, Applicants have amended independent claims by adding at least, "a presence document corresponding to a presentity and specifying a version of the presence document, wherein the presence document comprises a plurality of parameters relating to the presentity, the parameters including the presence information." (Emphasis added). In spite of the amendments, the Examiner ignored the differences between original claims and amended claims, and merely copied and pasted the reasons for rejection advanced for the original claims. For example, the reason for rejection stated on page 3 line 1 though 18 of the Office Action mailed on March 29, 2010 is an exact copy of the reason stated on page 3 line 4 through 20 of Office Action mailed on November 2, 2009 despite the above mentioned differences in claims. While the Office Action presents a section, "Response to Arguments" on page 2, the section merely states that the Applicants' "amendment only requires 'a version of a presence document'" and argues that *Birkler et al.* teaches version of presence document, it does not even point out whether other added features, "the presence document comprises a plurality of parameters relating to the presentity, the parameters including the presence information" are taught by any cited references. In this regards, the Applicants submit that it is erroneous that the Office Action mailed on March 29, 2010 is final.

The applied references fail to disclose, at least, the recited features, “the presence document comprises a plurality of parameters relating to the presentity, the parameters including the presence information” recited in claim 1 and similarly recited in claims 19, 31, and 32.

As explained above, the Office Action does not present any reason for the above features. However, the Examiner might incorrectly assume that “availability of a user from a plurality of devices” or “information provided by a user and derived from a plurality of sources” described in *Yoakum et al.* (claim 1 and col. 3, lines 26-29) inherently describes the recited features, “**a plurality of parameters relating to the presentity.**” Col. 3, lines 26-29 of *Yoakum et al.* merely states “a presence system capable of gathering state information provided by a user and derived from a plurality of sources associated with the user over any number of disparate networks.” Gathering information from a plurality of sources does not inherently mean that “**presence document comprises a plurality of parameters relating to the presentity.**” (Emphasis added). As explained in the previous Office Action response on March 2, 2010, *Yoakum et al.* merely describes a presence system capable of monitoring state information derived from a plurality of sources over a number of disparate networks (Abstract). Based on the available state information, the presence system can provide different views of presence for different subscribers to allow the user to control delivery and use of presence information; and different subscribers may receive different presence information based on the same state information (col. 3, lines 51-56). However, *Yoakum et al.* is silent as to any **presence document** that comprises a **plurality of parameters relating to the presentity.**

Accordingly *Yoakum et al.* fails to disclose the above recited features. In addition, the other cited references do not cure the above mentioned deficiencies of *Yoakum et al.*

Davies does not teach a method for transmitting the partial presence information that has changed, recited in claim 1.

In the statement of the rejection, the Office Action correctly admitted that *Yoakum et al.* does not disclose or suggest “transmitting presence information that has changed.” In an attempt to remedy this deficiency, the Office Action, on page 3, argued that “Davies teaches a method for only transmitting presence information that has changed (col. 17, lines 24-34).”

First, Applicants note that, as stated above, the Examiner ignores the Applicants' amendment presented in the previous Response and states previously claimed features in the Examiner's rejection. Second, and more significantly, the cited portion of *Davies et al.* fails to teach the recited claim features. While the cited portion of *Davies et al.* discusses a situation when new information arrives, it merely states that “if some active subscriptions are present, the exposed presence manager 58 **consults the rules** 15 and determines what (if any) information to make available to the watching parties who have active subscriptions” (see, col. 17, lines 29-33. Emphasis Added). In other words, instead of teaching that “partial presence information,” which is determined as a portion of the presence information available for the presentity, is transmitted, *Davies et al.* merely teaches that making information available based on rules. As an example of the rule, *Davies et al.* describes “no instant messages should be accepted after 9 pm” (see, col. 7 line 32). Clearly, the stated rule is not for updating information based on partial presence information.

Accordingly, Applicants submit that *Davies et al.* does not disclose or even suggest the recited features in the above claims. The above mentioned deficiencies are not cured by other cited references.

IV. CONCLUSION

For the foregoing reasons, the Appeal Brief Panel is respectfully requested to withdraw the rejection of the present application in light of these clear errors and allow the pending claims.

Respectfully Submitted,

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Date

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